



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 22, 2001, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Francisco Abrantes, 22815 Alice Street, commented on his involvement with rental issues.

Jason Moreno, 25200 Carlos Bee Boulevard, commented on retirement benefits for firefighters.

Jim Drake, 25795 Franklin Avenue, reiterated his comments related to the proposed Calpine generator project.

BOARDS/COMMISSIONS

1. Confirm Appointments of Youth Commission Members and Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated May 22, 2001,
was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and
unanimously carried to approve the following:

Resolution 01-072, "Resolution Appointing Members to the Youth
Commission"

City Clerk Reyes administered the Oath of Office to the new Youth Commissioners.

CONSENT

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Items 4, 6, 7, and 9 were removed for further consideration.

2. Approval of Minutes of the Special Joint Meeting of City Council/Redevelopment Agency of May 15, 2001

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Rodriquez, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of May 15, 2001.

3. Adoption of an Ordinance Related to 3 % @ 50 Formula for Local Police Members

Staff report submitted by City Clerk Reyes, dated May 22, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Ordinance 01-06, "An Ordinance Authorizing an Amendment to the Contract Between the City Council and the Board of Administration of the California Public Employees Retirement System"

4. Authorization for City Manager to Enter into an Agreement for Professional Services to Prepare an Environmental Impact Report for Revised General Plan

Staff report submitted by Senior Planner Calame, dated May 22, 2001, was filed.

Ron Barklow, 1210 Tiegen Drive, asked whether licensed biologists for wildlife would be having input into the projects. He was told that this pertains to the General Plan as a document rather than anything plan specific.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 01-075, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Lamphier-Gregory and Dowling Associates, Inc. for Professional Services to Prepare an Environmental Impact Report for the General Plan Update"



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5. Arterial Pavement Rehabilitation Phase - II: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director for Public Works Bauman, dated May 22, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 01-073, "Resolution Approving Plans and Specifications for the Arterial Pavement Rehabilitation - Phase II, and Call for Bids "

6. Enclose Sulphur Creek at Taxiway "E": Approval of Plans and Specifications, and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated May 22, 2001, was filed.

Ron Barklow, 1210 Tiegen Drive, named a number of species of birds that might be damaged in the process of enclosing the creek, and asked whether they were considered in the environmental document. He was told that an environmental document had yet to be reviewed. It will be considered at the July 24th meeting.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-076, "Resolution Approving Plans and Specifications for the Project to Enclose Sulphur Creek at Taxiway "E" and Call for Bids"

7. Downtown Business Improvement Area Annual Report and Proposed Budget for Fiscal Year 2001-2002 and Setting Public Hearing for June 12, 2001

Staff report submitted by Redevelopment Director Bartlett, dated May 22, 2001, was filed.

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It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 01-077, "Resolution Accepting Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area for the Fiscal Year 2001-02 and Providing for Notice of Hearing Thereon"

8. Utility Service Agreement 01-1 – Michael Lindow and Amber Stewart (Applicants/Owners) – Authorize the City Manager to Execute a Utility Services Agreement for Sewer Service at 249 Laurel Avenue

Staff report submitted by Planning Manager Anderly, dated May 22, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 01-074, "Resolution Authorizing the City Manager to Execute a Public Street Improvement Agreement and Utility Service Agreement 01-1 – Michael Lindow and Amber Stewart (Applicants/Owners) for Sewer Service at 249 Laurel Avenue and Directing Staff to Apply to the Local Agency Formation Commission (LAFCO) for Approval"

9. Request from Council Member Henson for Reimbursement from Special Travel Fund for City-Related Travel

Staff report submitted by Council Member Henson, dated May 22, 2001, was filed.

Ron Barklow, 1210 Tiegen Drive, asked for more detail regarding the costs listed in the report.

Council Member Henson described his 4-day trip, the costs incurred, and the services he provides to the City and the California League of Cities during these trips.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to approve the request by Council Member Henson for reimbursement of travel expenses.



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LEGISLATIVE BUSINESS

10. Approval of Funding for Community Promotions for Fiscal Year 2001-2003

Staff report submitted by Budget Administrator Rohrer, dated May 22, 2001, was filed.

Finance Director Carter made the staff report noting the funding recommendations. He noted that of the 15 applicants, 13 were returning and two were new applicants.

Mayor Cooper opened the public hearing at 8:30 p.m.

Gail Steele, 22586 Arlette, mentioned that Proposition 10 funding in the amount of \$25,000 would be available for books for the Weekes library. She then spoke on behalf of the Volunteer Recognition Dinner and noted increased printing expenses. She requested an additional \$1,000 annually to recognize the City's volunteers.

Clarice Roberts, 1474 Homestead Lane, spoke on behalf of the Hayward Arts Council. She commented on the increase in their costs and asked for a further increase in their allotment to provide clerical assistance.

Jason Moreno, 25200 Carlos Bee Boulevard, asked if any funding would be awarded to the Chamber of Commerce.

City Manager Armas responded that the Chamber of Commerce would not be receiving funding as it had in previous years for the Hayward Leadership Program. He then clarified that Lawrence Kohl of the Classical Philharmonic could not be present, but asked for consideration of the comments he voiced at the work session.

Mayor Cooper closed the public hearing at 8:34 p.m.

Council Member Rodriguez commented that the dinners are more costly with the passing of Mr. Haycock. The Volunteer Recognition dinner is one of the perquisites from the City.

Mayor Cooper said she would abstain because she is involved in the Music Academy.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried

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with Mayor Cooper abstaining, to adopt the following with an additional \$1,000 per budget year for the Hayward Volunteer Recognition Dinner.

Resolution 01-078, "Resolution Approving Community Promotions
Program and Approving Community Promotion Activity
Allocations for Fiscal Years 2001-02 and 2002-03"

11. Downtown Sidewalk and Streetscape Improvements - Tree Spacing along "B" Street in the City Downtown Area

Staff report submitted by Deputy Director for Public Bauman,
dated May 22, 2001, was filed.

Director of Public Works Butler made the staff report. He commented on the previous meeting with comments by Council Members. He noted that staff was directed to bring back further information regarding the trees in the project area. He discussed the trouble with the Australian willow trees along "B" Street. Staff recommended that the approximately 20 Victorian Boxwood trees remain. He commented that presently, spacing is about 15 feet apart. The recommendation would be to space the trees at 30-feet for "B" Street. He noted that 74-trees are proposed to be removed. They would be replaced by 55 trees.

In response to Council Member Ward, City Manager Armas informed Council that notices were sent to the merchants along "B" Street. Council Member Ward expressed concern regarding the pruning of the trees to the advantage of the merchants. He was told that staff would prune the trees while they are young in order to train them to their best appearance when they are mature. There should be no problem with interference of signage in the area.

Council Member Henson discussed his concerns and asked whether the Chinese Hackberry trees with the 30-foot spacing would create a different character to the area. Director of Public Works Butler described the tree as having a spreading canopy. He discussed the 30-foot spacing for "B" Street and the 60-foot spacing in other areas. He noted the concern expressed about maintaining the character on "B" Street. He cautioned that the cost of the over-all project would be increased substantially.

Council Member Jimenez asked if the BIA commented on this item. He was told that their inclination would be for increased spacing. He noted that the decrease in spacing would be a problem for merchants.

Mayor Cooper opened the public hearing at 8:54 p.m.

Lawrence Ferguson, 26207 Coleman Avenue, spoke in favor of maintaining the ambiance of "B" Street with the present trees.



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Audrey LePell, 209 Poplar, spoke on behalf of the Neighborhood Alliance that voted to ask the Council to reconsider removing the present trees. She asked to review the arborist report. She indicated that she spoke with several merchants on "B" Street. She served on the environmental quality board that made the original choice of trees for the downtown. She commented that by saving the trees, the City would be done in the wintertime. Lastly, she suggested that a sample of the glass sidewalk panel be sent to the Historical Society for the edification of future generations.

Peggy Collett, 22561 Main Street, spoke on behalf of the Chamber of Commerce. She noted that the Chamber recommends a single variety of tree be planted to make a more definitive statement and definition of "B" Street. She commented that the Chamber prefers a 60-foot spacing of the trees.

Ron Barklow, 1210 Tiegen Drive, commented on the staff report regarding the diseased trees. He felt that the trees should be treated rather than removed. He also asked that more trees be placed behind the Walpert Ridge water tank.

Mayor Cooper closed the public hearing at 9:08 p.m.

Council Member Hilson moved to approve the 30-foot spacing of trees, seconded by Council Member Dowling. Upon further clarification that this motion would provide for this amount of spacing for all of the streets in the project area, Council Member Dowling withdrew his second. Council Member Rodriquez then provided a second to the motion.

A substitute motion was moved by Council Member Henson, seconded by Council Member Dowling, and carried by the following roll call vote to approve the staff recommendation for a 30-foot spacing for trees along "B" Street and a 60-foot spacing for the remaining streets in the proposed project area:

Resolution 01-079, "Resolution Concerning the Downtown Sidewalk and Streetscape Improvements Relating to Tree Spacing Along "B" Street in the City Downtown Area"

AYES: Council Members Jimenez, Dowling, Henson
MAYOR Cooper
NOES: Council Members Hilson, Rodriquez, Ward,
ABSENT: None
ABSTAINED: None

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COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper asked Council Member Jimenez to adjourn the meeting. Council Member Jimenez adjourned the meeting at 9:25 p.m., in memory of lifelong resident Don Harder who passed away recently. Mr. Harder was a descendant of the pioneer families Jensen and Harder who first settled in Central Alameda County. His father was the late Judge Jacob Harder. Mr. Don Harder was owner of Harder's Sport Shop at the corner of A and Main Streets.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward